

Applicants: Daniel J. Vavrick
Serial No.: 10/658,128
Filed: September 9, 2003
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Attorney Docket No.: Navy Case 84208

REMARKS

By this Amendment, claims 8, 10 and 13-28 are cancelled without prejudice to or disclaimer of the subject matter contained therein, claims 1, 9 and 11 are amended. Accordingly, claims 1-7, 9, 11 and 12 are pending in this application. No new matter is added by any of these amendments.

Reconsideration based on the following remarks is respectfully requested.

I. Restriction Finality

The Office Action makes final the August 17, 2005 Restriction Requirement under 35 U.S.C. §121 thereby withdrawing claims 13-28 (listed in U.S. Patent Application Publication 2005/0067072) from examination as being drawn to non-elected Group II.

In the September 19, 2005 response with traverse under 37 CFR §1.143, Applicant provisionally elected Group I drawn to claims 1-12, submitting that claims 1-12 are generic to the three species identified.

Applicant gratefully acknowledges examination of claims 1-12 within Group I. Further, Applicant accepts the finality and cancels the withdrawn claims 13-28.

II. Allowable Subject Matter

Applicant gratefully acknowledges that the Office Action indicates that claims 10 and 11 contain allowable subject matter. As such, Applicant amends claim 1 to recite the features of claim 10 and intervening claims and to correct the dependency of claims 9 and 11.

III. Anticipatory Rejection under 35 U.S.C. §102

The Office Action rejects claims 1-7 and 12 as being allegedly anticipated under 35 U.S.C. §102(b) over U.S. Patent 3,592,628 to Wuenschel. This rejection is rendered moot by the incorporation of the allowable subject matter from claim 10 into claim 1. Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn.

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IV. Obviousness Rejection under 35 U.S.C. §103

The Office Action rejects claims 8 and 9 as being allegedly unpatentable under 35 U.S.C. §103(a) over Wuenschel. This rejection is rendered moot by the cancellation of claim 8 and the incorporation of allowable subject matter into claim 1, from which claim 9 depends. Applicant respectfully requests that the rejection under 35 U.S.C. §103 be withdrawn.

V. Conclusion

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



Gerhard W. Thielman
Registration No. 43,186

Date: February 16, 2006

DEPARTMENT OF THE NAVY
Naval Surface Warfare Center – Dahlgren Division
Office of Counsel – Code XDC1
17320 Dahlgren Road
Dahlgren, Virginia 22448-5100
Telephone: (540) 653-8061 Customer No. 23501

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